

Chapter 2

ADMINISTRATION*

Art.	I.	In General, §§ 2-1—2-15
Art.	II.	The Council, §§ 2-16—2-40
Art.	III.	Legislation, §§ 2-41—2-78
	Div. 1.	Generally, §§ 2-41—2-60
	Div. 2.	Admendments to Code, §§ 2-61—2-78
Art.	IV.	Officers and Employees, §§ 2-79—2-140
	Div. 1.	Generally, §§ 2-79—2-95
	Div. 2.	City Manager, §§ 2-96—2-105
	Div. 3.	City Attorney, §§ 2-106—2-120
	Div. 4.	Clerk of Council, §§ 2-121—2-140
	Div. 5.	Internal Auditor and Audit Division, §§ 2-129—2-129.19
Art.	V.	Department of Human Services, §§ 2-141—2-188
	Div. 1.	Generally, §§ 2-141—2-151
	Div. 2.	Director, §§ 2-152—2-160
	Div. 3.	Superintendent, §§ 2-161—2-173
	Div. 4.	Lynchburg Nursing Home, §§ 2-174—2-177—Repealed
	Div. 5.	Parks and Recreation, §§ 2-178—2-188
Art.	VI.	Department of Public Safety, §§ 2-189—2-202
Art.	VII.	Office of Management and Budget—Repealed
		O-91-224, 9-10-91, eff. 10-1-91
Art.	VIII.	Department of Public Works, §§ 2-225—2-247
	Div. 1.	Generally, §§ 2-225—2-233
	Div. 2.	Director, §§ 2-234—2-247
Art.	IX.	Department of Parks and Recreation, §§ 2-248—2-295—Repealed
Art.	X.	Employee Resources Group, §§ 2-296—2-323
	Div. 1.	Generally, §§ 2-296—2-308
	Div. 2.	Director, §§ 2-309—2-323
Art.	XI.	Department of Finance, §§ 2-324—2-343
	Div. 1.	Generally, §§ 2-324—2-335
	Div. 2.	Director, §§ 2-336—2-343
Art.	XI.1.	Department of Community Planning and Development, §§ 2-343.1—2-348
Art.	XII.	District Health Department, §§ 2-349—2-362
Art.	XIII.	Courts and Jail, §§ 2-363, 2-364.1

***Charter reference**—Government and administration of city, § 4.

Cross references—Elections, Ch. 14; public schools, Ch. 32.

State law references—Cities and towns, Code of Virginia, § 15.1-1 et seq.

ARTICLE I. IN GENERAL**Sec. 2-1. Corporate seal.**

The corporate seal of the city shall be a design within a circle, one and three-quarter (1 3/4) inches in diameter, representing a standing female figure, with a pair of scales in one hand and a cornucopia in the other, and a railway train in the background; in the exergue this inscription, "CORPORATION OF LYNCHBURG, VIRGINIA." No other seal shall be used for the city, and no paper issued by municipal authority, which requires the seal of the city, shall be valid unless the seal prescribed above shall be duly affixed thereto. (Code 1959, § 1-8)

Cross reference—Custodian of seal, § 2-124.

Secs. 2-2—2-15. Reserved.**ARTICLE II. THE COUNCIL*****Sec. 2-16. How composed; how and when elected; term of office.**

(a) The council of the city shall consist of one (1) body, composed of seven (7) citizens, who are electors, over twenty-one (21) years of age, to be elected from the city at large, at the regular municipal election in May, who shall enter upon their duties September first following their election. At the municipal election to be held June 1932, three (3) members shall be elected for a term of four (4) years, and at the election held in June 1934, four (4) members shall be elected for a term of four (4) years, and thereafter biennially, there shall be elected alternately three (3) or four (4) members as the case may be, for a term of four (4) years.

(b) On and after July 1, 1976, the council shall consist of seven (7) members of whom four (4) shall be elected from wards and three (3) of whom shall be elected at large as hereinafter provided. The terms of councilmen elected in 1976 and thereafter shall begin July 1, succeeding their election.

(c) At the election to be held in May 1976, successors to four (4) councilmen whose terms expire June 30, 1976, shall be elected for a term of four (4) years. The four (4) councilmen shall be elected from and be registered voters in the wards established under Chapter 14 of this code with one (1) councilman to be elected from each ward. At the same election to be held in May 1976, three (3) successors to the councilmen whose terms expire in such year shall be chosen by election at large in the city to serve for terms of two (2) years.

(d) After May 1976, successors to the councilmen elected under paragraph (c) hereof shall be elected for a term of four (4) years by ward or at large, as the case may be, depending on whether the respective office was filled by election at large or by ward.

***Charter reference**—Council generally, §§ 4-16, 37-38-e.

Cross references—City manager, § 2-96 et seq.; city attorney, § 2-106 et seq.; clerk of council, § 2-122.

(e) Vacancies occurring in the membership of the council shall be filled by the council within thirty (30) days for a term to expire when the qualified voters of the city at large or the ward in which the vacancy occurred, as the case may be, have elected a successor at the next ensuing general election for councilmen and the person so chosen has duly qualified. If the vacancy occurs in a ward, the successor so chosen shall be a registered voter of that ward. All vacancies filled by the council shall be by majority of the remaining members. (Code 1959, § 2-10; Ord. of 2-10-76)

Sec. 2- 16.1. Salaries of mem bers of coun cil.

Present members of council shall be paid their current salary until the first of July 1990, thereafter the salary of each member of council shall be \$4,320 per annum, except that member who shall be elected mayor, whose salary shall be \$6,300 per annum, and except that member who shall be elected vice-mayor, whose salary shall be \$4,500 per annum, payable out of the treasury of the City of Lynchburg in bi-weekly installments. (Ord. No. O-84-146, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-90-142, 5-15-90, eff. 7-1-90; Ord. No. O-96-201, 7-9-96)

Sec. 2- 17. Fine of mem bers.

Fines imposed under Section 37 of the Charter shall be certified to the judge of the general district court, and collected in the same manner as fines imposed by the judge of the municipal court. (Code 1959, § 2-11)

Sec. 2- 18. Meet ings—Regu lar.

The council shall hold regular meetings on the second Tuesday of each month at 7:30 p.m., and on the fourth Tuesday of each month at 5:00 p.m. If a quorum fails to attend, those attending may adjourn to such other time prior to the next regular meeting as they may determine and the clerk of council shall enter such adjournment in the minute book of the council and shall notify absent members thereof in the same manner as is required for special meetings. (Code 1959, § 2-12; Ord. No. O-83-179, § 1, 8-9-83)

Charter reference—Time of meetings, § 8.

Sec. 2- 19. Same—Spe cial.

All calls for special meetings as authorized by Section 9 of the Charter by the president, city manager, or by any two (2) members of the council, shall be filed with the clerk of council and shall set forth the purpose of the meeting, and the clerk of council shall forthwith notify the members of the time and place designated and the purpose of such meeting by notice in writing served on each member or by leaving a copy thereof at his place of abode or place of business at least twelve (12) hours before the time of such meeting. (Code 1959, § 2-13)

Sec. 2- 20. Quo rum.

A majority of the members of the council shall constitute a quorum for the transaction of all business that does not require more than a majority vote of those present to determine. For the transaction of business requiring more than a majority vote of those present to determine, a quorum shall consist of such number of members as are required by law for the determination of such business. (Code 1959, § 2-14)

Charter reference—Quorum of council, § 10.

Sec. 2- 21. Re consid era tion of vote.

Any member voting on the prevailing side of any question voted on by the council may move a reconsideration thereof at such meeting or at the next succeeding regular meeting; provided, however, that any two (2) members, upon the announcement by the president of the adoption of resolutions or ordinances having for their object the increase of the indebtedness of the city, or the expenditure of its revenues, except for the payment of its salaried officers and employees, may give notice of a motion to reconsider, which

motion shall delay the question until such reconsideration can be acted on at the next regular meeting of the council.

No vote of a former meeting shall be reconsidered at any special meeting unless there be present at such special meeting as many members as were present at the former meeting when the vote was taken. (Code 1959, § 2-15)

Sec. 2-22. Members present required to vote.

Every member present shall vote upon all questions presented for decision unless excused by the council; provided, that no member shall be permitted to vote upon any matter where such vote is prohibited by the Virginia Conflict of Interest Act, Code of Virginia, Section 2.1-347 et seq. The ayes and noes shall be taken upon all matters determined by the council and shall be entered on the minutes of the proceedings. (Code 1959, § 2-16)

Sec. 2-23. Election of president; president ex officio mayor.

The council shall, at its first meeting in July 1976, and biennially thereafter, elect one of its members as president, who shall be ex officio mayor of the city for the term of two (2) years, who shall be the presiding officer of the council and official head of the city, and who shall perform such duties as shall be prescribed by the laws of the commonwealth or may be imposed by the council not inconsistent therewith.

The council shall at the same time elect a vice-president, who shall perform the duties of the president or mayor, when he shall be for any reason incapacitated to perform such duties. (Code 1959, § 2-17; Ord. of 2-10-76)

Sec. 2-24. Rules of procedure.

The rules of parliamentary procedure as comprised in "Robert's Rules of Order" shall govern the council in all its deliberations except in cases where they are in conflict with the laws of the commonwealth or special rules adopted by the council. (Code 1959, § 2-18)

Sec. 2-25. Order of business.

At all meetings of the council the order of business shall be as the council may determine. (Code 1959, § 2-19)

Sec. 2-26. Petitions and other communications; addressing council orally.

All petitions or other communications addressed to the council shall be in writing and must be filed with the clerk before the meeting at which the same are to be presented, and the clerk shall present such petitions or communications to the council under the appropriate head of business at its next meeting. No person shall be permitted to address the council orally, except by permission of the council, and such permission shall not be granted unless with the consent of a majority of the members of the council present at such meeting. (Code 1959, § 2-20)

Sec. 2-27. Voting at elections by council.

At all elections by the council the voting shall be viva voce, or such other voting method or device as may be approved by the council. Each member shall be entitled to one vote and only one person shall be elected at a time. If on any vote no one receives a majority of all the votes, the person receiving the smallest number shall be dropped and shall not again be voted for until a vote shall have intervened. (Code 1959, § 2-21)

Sec. 2-28. Suspension of rules of procedure.

Any rule of procedure as set forth in this article may be suspended for the time being by the affirmative vote of at least four (4) members of the council. (Code 1959, § 2-22)

Secs. 2-29—2-40. Reserved.

ARTICLE III. LEGISLATION***DIVISION 1. GENERALLY****Sec. 2-41. Passage and amendment of ordinances.**

No ordinance shall be passed, amended or repealed, except by ordinance regularly introduced and passed, nor shall any section of an ordinance be amended, unless the whole section be reordained, and all ordinances, amendments or resolutions which are duly passed shall bear the certificate of the clerk of council, or the deputy clerk of council. (Code 1959, § 2-23)

Sec. 2-42. Ordinances appropriating money and imposing taxes.

(a) Every ordinance or resolution appropriating money exceeding one hundred dollars (\$100.00), imposing or releasing taxes, or authorizing the borrowing of money, or donating any property of the city, or increasing any salary or pay of any employee, where the value of such property is one hundred dollars (\$100.00) or more, or the aggregate of such increase of salary is one hundred dollars (\$100.00) or more for any one (1) year, shall require for its passage an affirmative vote of a majority of the members elected to council.

(b) No ordinance or resolution appropriating money exceeding the sum of one thousand dollars (\$1,000.00), imposing taxes or authorizing the borrowing of money, shall be passed on the same day on which it was introduced, nor be valid unless at least three (3) days intervene between its first introduction and final passage.

(c) No ordinance or resolution looking to the appropriation of money, the imposition of taxes or assessments or the contracting of any debt or obligation on behalf of the city, or which creates, continues or revives any appropriation of money or property, or releases or discharges or commutes any claim or demand of the city, shall be passed except by a recorded affirmative vote of a majority of the whole number of members elected to council. (Code 1959, § 2-24)

Charter reference—General restriction, § 10.

Sec. 2-43. Ordinances appropriating money for highways outside city.

No ordinance or resolution appropriating money for the purpose of improving highways and bridges located outside of the city shall be passed except by an affirmative vote of two-thirds of all the members elected to council, and no such construction or other work shall be done at the expense of the city, until plans and specifications and the estimated cost thereof have been submitted to and approved by the council. (Code 1959, § 2-25)

Charter reference—Authority to aid in construction of roads leading into city, § 38(37).

Sec. 2-44. Ordinances appropriating money in excess of an annual appropriation.

No money shall be expended for any department of the city government beyond the amount dedicated to such department in the general appropriation ordinance for that fiscal year, unless such expenditure be authorized by the votes of five-sevenths (5/7ths) of all the members elected to the council. (Code 1959, § 2-26)

Sec. 2-45. Ordinances granting aid to various associations.

No ordinance or resolution granting aid to military companies maintained within the city, to associations for the advancement of agricultural and mechanical arts, to scientific, literary, educational or benevolent

***Cross references**—Keeping of ordinances, § 2-125; distribution of copies, § 2-126.

organizations or institutions, or to public libraries located in or near the city, by appropriations for such purposes, or by exemption from municipal taxation, or from charge for the use of water or light furnished by the city, or by the extension of light, sewer or water facilities, either with or without charge, beyond the city limits, shall be passed except by the vote of five-sevenths (5/7ths) of all the members elected to council. (Code 1959, § 2-27)

Sec. 2- 46. Pro ce dure with re spect to sale of city- owned real es tate.

(a) No resolution or other authorization to sell any real estate of value exceeding one thousand dollars (\$1,000.00) owned by the city shall be passed on the same day on which it was introduced, nor shall such resolution or other authorization be valid unless at least three (3) days intervene between its introduction and final passage.

(b) Where the city-owned real estate proposed to be sold consists of streets, parks, bridges, public places or the waterworks, the following additional requirements shall be necessary:

(1) The sale shall be authorized by resolution or ordinance; and,

(2) Such resolution or ordinance shall receive an affirmative vote of three-fourths (3/4ths) of all members elected to council as provided in Article VII, Section 9, of the Constitution of Virginia. (Code 1959, § 2-28)

Secs. 2- 47—2- 60. Re served.

DIVISION 2. AMENDMENTS TO CODE

Sec. 2- 61. Effect.

Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the city council to make the same a part hereof, shall be deemed to be incorporated in this Code so that reference to the "Code of Ordinances of the City of Lynchburg, Virginia," shall be understood and intended to include such additions and amendments.

Sec. 2- 62. Man ner.

All ordinances passed subsequent to the adoption of this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein, or in the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby, and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this code and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the city council.

Sec. 2- 63. Lan guage.

Amendments to any of the provisions of this Code should be made by amending such provisions by specific reference to the section of this Code in substantially the following language: "That Section _____ of the Code of Ordinances of the City of Lynchburg, Virginia, is hereby amended to read as follows: . . ." The new provisions shall then be set out in full as desired.

Sec. 2-64. New material.

(a) In the event a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances of the City of Lynchburg, Virginia, is hereby amended by adding a section (or article, chapter or other designation as the case may be), to be numbered _____, which reads as follows: . . ." The new provisions shall then be set out in full as desired.

(b) In lieu of subsection (a) hereof, when the city council desires to enact an ordinance of a general and permanent nature embracing a subject not previously existing in the Code, which the council desires to incorporate into the Code, a provision in substantially the following language may be made part of such ordinance: "It is the intention of the city council, and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances of the City of Lynchburg, Virginia, and the sections of this ordinance may be renumbered to accomplish such intention."

Sec. 2- 65. Re peal.

All sections, articles, chapters or other provisions of this Code desired to be repealed should be specifically repealed by section number, article number, chapter or other number, as the case may be.

Sec. 2- 66. Subject to gen eral pen alty.

In case of the amendment by the city council of any section of this Code for which a penalty is not provided, the general penalty as provided in section 1-13 of this Code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Sec. 2- 67. Sup ple men ta tion of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code, and shall also include all amendments to the Charter during the period. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division" etc., as the case may be, or to "sections to" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Secs. 2-68—2-78. Reserved.**ARTICLE IV. OFFICERS AND EMPLOYEES*****DIVISION 1. GENERALLY****Sec. 2-79. Terms of office; vacancies.**

Unless otherwise specially provided, every municipal officer elected by the council shall hold his office at the pleasure of the council; provided, however, that the tenure of any office which the city has the right to abolish shall be subject to such right. (Code 1959, § 2-1)

Sec. 2-80. Compensation.

City officers and employees, whether appointed or elected by the city council or appointed by the city manager, shall be paid such salaries or wages as are set out by the council, and in such installments as approved by council; provided, however, that no such compensation shall be paid to any officer or employee who is in arrears to the city, or is in default in rendering any account or report required of them. (Code 1959, § 2-2)

Charter references—Salaries of councilmen, § 7; of municipal court judge, § 34.

Sec. 2-81. Official bonds.

(a) The director of finance is hereby authorized and directed to procure blanket corporate surety bonds for five thousand dollars (\$5,000.00) to cover all officers and employees of the city in such form as may be satisfactory to the city attorney, for the faithful performance of their respective duties by all city officers and employees and to indemnify the city against any and all pecuniary loss sustained as the result of any act or acts of any of said officers and employees.

(b) The director of finance is hereby further authorized and directed to procure corporate suretyship bonds upon the respective positions hereinafter referred to in either the form of separate bonds or an additional coverage incorporated in the blanket coverage authorized in paragraph (a) above of this section, in amounts set opposite the respective positions for the faithful discharge of the holders of the respective positions and their respective deputies, assistants and other subordinates, of the duties imposed on the holders of such positions by the Charter of the city and all ordinances passed in pursuance thereof, and to indemnify the city against any and all pecuniary loss sustained as a result of any act or acts of any of said officers and employees, which positions and the amounts of the respective bonds thereon are as follows:

(1) City manager	\$ 10,000.00
(2) Director of finance	100,000.00
(3) City collector	25,000.00
(4) Deputy city collector	5,000.00
(5) Director of management and budget	20,000.00

(c) The premium on all bonds given hereunder shall be paid by the city and all such bonds shall be filed with the clerk of the circuit court of the city. (Code 1959, § 2-3; Ord. No. O-81-106, § 1, 5-26-81)

Charter reference—Bonds of officers, employees, § § 22, 23.

State law reference—Bonds of certain officers, Code of Virginia, § 15.1-41 et seq.

***Charter reference**—Election of certain officers by council, § 16.

State law reference—Officers generally, Code of Virginia, § 15.1-38 et seq.

Sec. 2-82. Appointment of substitute.

If any officer elected by the council be at any time unable, by reason of sickness or other unavoidable cause, to discharge the duties of his office, the council may appoint a substitute to act for him during such inability. Nothing herein shall be construed to affect the right of the council to remove any officer elected by it. (Code 1959, § 2-4)

Sec. 2- 83. Cer tain of fi cers and em ploy ees to live within the city.

(a) The city manager and the directors of departments shall reside within the city during their continuance in office or employment. The appointing authority, however, may permit an appointee a reasonable time after employment within which to establish residence within the city.

(b) For the purposes of this section, directors of departments shall include the city assessor, the city attorney, the clerk of council, the city collector and the director of management and budget. (Code 1959, § 2-4.1; Ord. No. O-81-106, § 1, 5-26-81)

Sec. 2- 84. Oaths of of fice.

Every person elected or appointed to any office in the city shall, before entering upon the duties of his office, take the oath of office prescribed by the laws of the state to be taken by persons holding offices under the state. Such oath shall be taken before any person duly qualified to administer it under the laws of the state, and his certificate that such oath has been taken shall be filed with the clerk of the council, who shall enter the same upon the minutes to be kept of the proceedings of the meetings of the council. If any person appointed or elected to any office in said city neglects to take such oath for thirty (30) days after receiving notice of his election or appointment, his office shall be deemed vacant. (Code 1959, § 2-5)

Charter reference—Oaths of office, § 20.

State law reference—Oaths of office, Code of Virginia, § 15.1-38.

Sec. 2- 85. Re moval.

For malfeasance, misfeasance, neglect of duty, incapacity or any other good cause, the council may remove from office any officer elected or appointed by it. (Code 1959, § 2-6)

Sec. 2- 86. Pro ceed ings against de fault ing of fi cers.

In cases of default on the part of any officer whose duty it is to collect taxes, assessments, water rents, water rates and assessments, or any other sums due the city, proceedings against such officer and his sureties may be either by regular suit at law on his official bond, or by motion in the circuit or general district court of the city for judgment and award of execution against him and his sureties upon such bond for the amount of such default, with interest thereon and such penalties as, under the ordinances, may have attached thereto. (Code 1959, § 2-7)

Sec. 2- 87. Set tle ment of dis putes be tween of fi cers.

In case of any dispute as to duties or procedure between officers appointed or elected by the council, or between officers appointed or elected by the council and those appointed by the city manager, the city manager shall resolve such disputes; provided, however, that any officer appointed or elected by the council shall have the right of appeal to the council from the decision of the city manager. (Code 1959, § 2-8)

Sec. 2- 88. City prop erty; care and sur ren der.

Every officer of the city, when entering upon his duties, shall be responsible for the safekeeping of such personal property as may be furnished his office by the city, and, at the expiration of his term of office, shall surrender the same to the city in as good condition as received by him, save reasonable wear and tear. The director of finance shall have the authority at any time he deems necessary to call upon the officers for a

detailed inventory of all city personal property under their control. (Code 1959, § 2-9; Ord. No. O-81-106, § 1, 5-26-81)

Sec. 2-89. Authority to obtain criminal history record information.

Pursuant to the authority of Section 19.2-389 of the Code of Virginia 1950, as amended, in the conduct of investigations of applicants for public employment with the city, permits or licenses, or for public employment with the Lynchburg school system, whenever, in the interest of the public welfare or safety, it is necessary to determine if the past criminal conduct of a person would be compatible with the nature of the employment, permit or license under consideration, the City Manager or the Superintendent of Schools or their designees shall be authorized to request the Chief of Police to obtain the criminal history records of such applicant from the Virginia Criminal Records Exchange or other appropriate sources, and the Chief of Police shall be authorized to obtain and disseminate such criminal history record to the City Manager or the Superintendent of Schools or their designees. (Ord. No. O-91-228, 9-24-91)

Secs. 2-90—2-95. Reserved.

DIVISION 2. CITY MANAGER*

Sec. 2-96. Appointment and removal of officials and employees.

The city manager shall appoint all such city officials and employees as the council determines are necessary for the proper administration of the affairs of the city, except those in the legal and judicial departments, the office of the city assessor, and the clerical and other attendants to the council. He shall have the power to discipline and remove every officer or employee so appointed by him. He shall report each appointment and removal to the next meeting of the council following such appointment or removal. (Code 1959, § 2-29; Ord. of 4-13-76)

Secs. 2-97—2-105. Reserved.

DIVISION 3. CITY ATTORNEY[⌘]

Sec. 2-106. Qualifications.

The person elected to serve as city attorney shall have been admitted to practice law in the courts of the state. (Code 1959, § 2-32)

Sec. 2-107. Duties.

(a) It shall be the duty of the city attorney to take the management, charge and control of all law business of the city, and to be, in regard to all municipal affairs, the legal adviser of the council, city manager, or any of the several officers and departments of the city government, and when requested by the council, city council member or by any department of the city government, he shall furnish written or verbal opinions upon subjects involving questions of law in which the city is interested.

***Charter reference**—City manager generally, §§ 13—14-a.

Cross references—City manager's bond, § 2-81; department of human services, § 2-141 et seq.; department of parks and recreation, § 2-248 et seq.; department of personnel and employee development, § 2-296 et seq.; department of finance, § 2-324 et seq.; fire department, § 19-16 et seq.; authority relative to traffic, § 25-37.

[⌘]**Charter reference**—Authority to appoint city attorney, § 16.

Cross reference—City Council, § 2-16 et seq.

(b) It shall be his duty to draft all bonds, deeds, obligations, contracts, leases, conveyances, agreements and other legal instruments of whatsoever nature, which may be required of him by any ordinance or order of the council, or which, by law, usage or agreement, the city is to bear the expense of drawing. It shall also be his duty to commence and prosecute all actions and suits to be brought by the city before any tribunal in this commonwealth, and also to appear, defend and advocate the rights and interests of the city, or any officers of the city, in any suit or prosecution for any act, in the discharge of his official duties, wherein any estate, right, privilege, ordinances or acts of the city government may be brought in question. In every prosecution for a breach of a city ordinance he shall appear for the prosecution when the case shall come into the general district court; and he shall perform such other duties as are or may be required of him for the city by any ordinance or resolution of the council. (Code 1959, § 2-33(a))

Sec. 2-108. Assistant—Authorized.

The council may also elect one or more assistants to the attorney, by such title of office as the council may direct, who shall have the same qualifications as the city attorney. (Code 1959, § 2-32)

Sec. 2-109. Same—Duties.

The assistants to the city attorney shall perform such of the duties of the city attorney as may be delegated to them by the city attorney. They shall have the same authority to represent the city in all matters as the city attorney, and any and all duties imposed by this division or otherwise upon the city attorney may be performed by his assistants. (Code 1959, § 2-33(b))

Sec. 2-110. Annual reports.

The city attorney shall make an annual report to the council on or before September first in each year, giving a condensed statement of the business done in his office for the city in the fiscal year immediately preceding such report with a list of all deeds and contracts prepared, to which the city was a party, of all opinions given upon city business, of all suits ending during such year and those pending at the date of such report; and he shall make such suggestions touching the interests of the city in connection with his official duties as he may deem pertinent. (Code 1959, § 2-34)

Secs. 2-111—2-120. Reserved.

DIVISION 4. CLERK OF COUNCIL*

Sec. 2-121. Deputies authorized.

The council may elect one or more deputies to the clerk of council, by such title of office as the council may direct.

Sec. 2-122. Duties generally.

The clerk of council, or his deputies, shall attend every meeting of the council and keep, in a book provided for that purpose, an accurate record of its proceedings. The clerk of council shall file and preserve all written opinions furnished by the city attorney to the council; also a copy of every contract entered into by the city, and such other papers and books as may come into the hands of the clerk. The clerk of council shall also arrange for and supervise the printing of all official reports and ordinances requiring publication, serve all notices required to be served and generally perform all such duties as properly appertain to the office, or may hereafter be assigned. (Code 1959, § 2-35)

*Cross reference—City Council, § 2-16 et seq.

Sec. 2-123. Custodian of papers.

The clerk of council shall have the custody of deeds, contracts, plats, surveys and other muniments of title belonging to the city, including all such papers the custody of which is not otherwise provided for by the council. (Code 1959, § 2-35)

Sec. 2- 124. Cus to dian of seal.

The clerk of council shall be the custodian of the seal of the city, and shall affix it to any papers to which, by ordinance or resolution of the council, or order of the city manager, may require the seal of the city. (Code 1959, § 2-35)

Cross reference—City seal, § 2-1.

Sec. 2- 125. Keep ing of or di nance book and other docu ments, books and pa pers.

The clerk of council shall keep a book in which shall be recorded all ordinances and resolutions, or amendments thereto, which book shall be indexed and open to public inspection. Except as otherwise provided by the state freedom of information act, other documents, books or papers in the possession of the clerk which may affect the interests of the city shall not, without special order of the council be exhibited, nor copies thereof furnished to other persons than city officials entitled thereto. (Code 1959, § 2-36)

Sec. 2- 126. Cop ies of or di nances to city man ager.

The clerk of council shall, within forty-eight (48) hours after each session of the council, furnish to the city manager a copy of every ordinance or resolution having the effect of an ordinance, passed by the council; provided, that copies of all ordinances making appropriations or authorizing the payment of money shall be furnished to the director of fiscal management and information services within twenty-four (24) hours after their passage. (Code 1959, § 2-37)

Sec. 2- 127. No tice of ac tion on pe ti tions, com mu ni ca tions.

The clerk of council shall notify persons who have presented petitions or communications to the council of the final action of that body in regard thereto within forty-eight (48) hours after such action. (Code 1959, § 2-37)

Sec. 2- 128. No tice of elec tion to of fice.

The clerk of council shall notify all persons elected to any office by the council of such election. (Code 1959, § 2-37)

DIVISION 5. INTERNAL AUDITOR AND AUDIT DIVISION

Sec. 2- 129. Estab lished.

The audit division and the office of internal auditor are hereby established and shall have the duties as set forth in this division. (Ord. No. O-95-157, 6-13-95)

Sec. 2- 129.1. Ap point ment of audi tor.

The auditor shall be selected by the audit division and ratified by a majority vote of the city council. The auditor shall serve at the pleasure of the city council and may be removed from office by a majority vote of the city council. (Ord. No. O-95-157, 6-13-95)

Sec. 2- 129.2. Quali fic a tions.

(a) The auditor shall be knowledgeable in performance and financial auditing, public administration, and government financial and fiscal practices.

(b) The auditor shall be a certified internal auditor (CIA), certified public accountant (CPA) or have an advanced degree in a relevant field with at least five (5) years experience in the field of government auditing, evaluation or analysis. The auditor shall have a bachelors degree in accounting, business administration, public administration or a related field. (Ord. No. O-95-157, 6-13-95)

Sec. 2-129.3. Standards.

The auditor and the auditor's office shall adhere to applicable standards issued by the Institute of Internal Auditors (IIA) and the United States General Accounting Office (GAO) in conducting its work and shall be considered independent as defined by those standards. (Ord. No. O-95-157, 6-13-95; Ord. No. O-02-145, 8-13-02)

Sec. 2-129.4. Assistants and employees.

(a) The office shall be provided a separate budget to carry out the responsibilities and functions established in this division.

(b) The auditor shall establish an organizational structure appropriate to carrying out his/her responsibilities and functions.

(c) Within the budget approval process and in accordance with established personnel policies for all departments, the auditor shall have the power to appoint, employ, and remove such assistants, employees and personnel as may be authorized from time to time for the efficient and effective administration of the office. (Ord. No. O-95-157, 6-13-95)

Sec. 2-129.5. Responsibilities and scope of audits.

(a) The auditor shall conduct his/her audit work in accordance with government auditing standards applicable to financial and performance audits and IIA standards applicable to process reviews and consulting engagements.

(b) The auditor shall not conduct nor supervise an audit of an activity for which he/she was responsible or for which he/she was employed during the preceding two (2) years.

(c) The auditor shall have authority to conduct performance and financial audits of all departments, offices, boards, activities and agencies of the city in order to independently determine whether:

(1) activities and programs being implemented have been authorized by the city, state law or applicable federal law or regulations and are being conducted in a manner consistent with the intended objectives;

(2) the audited entity is acquiring, protecting, and using its resources (such as personnel, property and space) economically and efficiently, and the effectiveness of organizations, programs, activities, functions or policies, and the extent to which desired results or benefits are being achieved;

(3) financial and other reports are being provided that disclose fairly, accurately and fully all information that is required by law, that is necessary to ascertain the nature and scope of programs and activities, and that is necessary to establish a proper basis for evaluating the results of programs and activities including the collection of, accounting for and depositing of revenues and other resources;

(4) activities or programs efficiently and effectively serve the purpose intended by the city, state law or applicable federal law or regulations and are being conducted and funds expended in compliance with applicable laws;

(5) resources, including funds, property and personnel are adequately safeguarded, controlled and are being used efficiently and effectively, and in a manner consistent with the objectives intended by the city or enabling ordinance, statute or regulation;

(6) management has established adequate operating and administrative procedures and practices, systems or accounting internal control systems and internal management controls; and

(7) indications of fraud, abuse or illegal acts are present.

(d) Process reviews and consulting engagements will be performed as negotiated with the appropriate city official(s) requesting the review. (Ord. No. O-95-157, 6-13-95; Ord. No. O-02-145, 8-13-02)

Sec. 2-129.6. Audit schedule.

(a) At the beginning of each fiscal year, the auditor shall submit an annual work plan to the audit division for review and comment. The schedule shall include the departments, offices, boards, activities, subcontractors and agencies subject to audit, process reviews or consulting engagements for the period. This schedule may be amended during the period after review with the audit division. Additionally, the auditor may spontaneously initiate and conduct any other audit deemed necessary.

(b) In the selection of audit areas, the determination of audit scope and the timing of audit work, the auditor should consult with federal and state auditors and external auditors so that the desirable audit coverage is provided and audit effort is properly coordinated. (Ord. No. O-95-157, 6-13-95; Ord. No. O-02-145, 8-13-02)

Sec. 2-129.7. Special audits.

The audit division may request the auditor to perform special audits that are not included in the annual audit schedule. After consultation with and approval of the audit division, a special audit or consulting engagement requested by the city manager may become an amendment to the annual work plan. (Ord. No. O-95-157, 6-13-95; Ord. No. O-02-145, 8-13-02)

Sec. 2-129.8. Funding and evaluation.

Funds that in the opinion of the city council are sufficient to carry out the responsibilities specified herein shall be provided (subject to available resources). The auditor's performance shall be evaluated annually by the audit division. (Ord. No. O-95-157, 6-13-95)

Sec. 2-129.9. Records.

The auditor shall retain a complete file of each audit report and each report of other examinations, investigations, surveys and reviews made under legislative authority as required by general law. The file should include audit work papers and other supportive material directly pertaining to the audit report. (Ord. No. O-95-157, 6-13-95)

Sec. 2-129.10. Access to records and property.

(a) All officers and employees of the City of Lynchburg and city agencies and commissions shall furnish the auditor with requested information and records (including automated data) within their custody regarding powers, duties, activities, organization, property, financial transactions, contracts and methods of business required to conduct an audit or otherwise perform audit duties. In addition, they shall provide access for the auditor to inspect all property, equipment and facilities within their custody. If such officers or employees fail to produce the aforementioned information, then the auditor may cause a search to be made and exhibits to be taken from any book, paper, or record of any such official or employee, or outside contractor or subcontractor, except for personal information (as governed by state statute). Further, all contracts with outside contractors and subcontractors shall provide for auditor access to all financial and performance-related records, property, and equipment purchased in whole or in part with governmental funds and facilities.

(b) The auditor shall not publicly disclose any information received during an audit that is considered confidential in nature by any local, state or federal law or regulation. (Ord. No. O-95-157, 6-13-95)

Sec. 2-129.11. Agency response.

A final draft of the audit report will be forwarded to the appropriate city official(s) and the audit division for review and comment regarding content before it is finalized and released. City official(s) must respond in writing specifying agreement with finding and recommendations or reasons for disagreement with findings and/or recommendations, plans for implementing solutions to identified problems and a time table to complete such activities. The response must be forwarded to the auditor within thirty (30) days. If no response is received, the auditor will note that fact in the transmittal letter and will release the audit report. In the case of contracted audits, audits may be released without inclusion of a response. Any subsequent responses shall be distributed to those who received the audit report (to the organization's audit division). (Ord. No. O-95-157, 6-13-95; Ord. No. O-02-145, 8-13-02)

Sec. 2-129.12. Audit reports.

(a) Each audit, examination, investigation, survey, and review will result in a written report. The report shall be available for public examination.

(b) The auditor shall submit each audit report to the audit division and shall retain a copy in his/her office as a permanent record. (Ord. No. O-95-157, 6-13-95; Ord. No. O-02-145, 8-13-02)

Sec. 2-129.13. Report of irregularities.

If during an audit or other review, the auditor becomes aware of abuse or illegal acts or indications of such acts that could affect the city, the auditor shall report the irregularities to the audit division and the city manager. If the city manager is believed to be a party to abuse or illegal acts, the auditor shall report the acts directly to the city council. If it appears that the irregularity is criminal in nature, the auditor shall immediately notify the commonwealth's attorney (when appropriate) in addition to those officials previously cited. (Ord. No. O-95-157, 6-13-95; Ord. No. O-02-145, 8-13-02)

Sec. 2-129.14. Annual report.

The auditor shall submit an annual report to the audit division within sixty (60) days before the end of the fiscal year indicating audits completed, major findings, corrective actions taken by administrative managers, and significant findings which have not been fully addressed by management. (Ord. No. O-95-157, 6-13-95)

Sec. 2-129.15. Audit follow-up.

(a) The auditor shall follow-up on audit recommendations insofar as practical to determine if administrative managers are implementing corrective action.

(b) The auditor may request periodic status reports from audited entities regarding action taken to address reported deficiencies and audit recommendations. (Ord. No. O-95-157, 6-13-95)

Sec. 2-129.16. Contract auditors, consultants and experts.

Upon approval of the audit division, the auditor may obtain the services of public accountants, qualified management consultants, or other professional experts necessary to assist the auditor in the discharge of his/her responsibilities. An audit that is performed by contract must be conducted by persons who have no financial interests in the affairs of the governmental unit or its officers. The auditor will coordinate and monitor auditing performed under contract. Contracts for external audits will be awarded in accordance with the city procurement ordinance. (Ord. No. O-95-157, 6-13-95)

Sec. 2-129.17. Quality assurance reviews.

(a) The audit activities of the auditor's office shall be subject to quality review at least once every three (3) years by a professional, non-partisan objective group utilizing guidelines endorsed by NALGA or the U.S.

General Accounting Office. A copy of the written report of this independent review shall be furnished to each member of the city council. This report shall be available to the public.

(b) The quality control review shall determine compliance with Government Auditing Standards and the quality of audit effort and reporting, including:

- (1) general standards such as staff qualifications, due professional care, and quality assurance;
- (2) fieldwork standards such as planning, supervision, and audit evidence; and
- (3) reporting standards such as report content, presentation, and timeliness. (Ord. No. O-95-157, 6-13-95)

Sec. 2-129.18. Responsibilities of the audit division.

There is hereby established in and for the city an audit division. The audit division shall have general supervision of the internal auditor and shall perform the following duties:

- (a) recommend selection of the external auditor;
- (b) perform oversight of the external audit coverage including the development of the audit engagement letter, estimated fees, coordination with internal auditor, review of significant operational or reporting issues affecting the financial statements which were discussed by management and the external auditor, review of auditor performance, and meeting with external auditor to discuss pertinent matters;
- (c) select the internal auditor subject to council approval;
- (d) review plans and objectives of the internal auditor;
- (e) review results of internal audits and other engagements;
- (f) request for audit projects;
- (g) review progress toward resolving previous findings and recommendations;
- (h) perform an annual performance evaluation of the internal auditor. (Ord. No. O-95-157, 6-13-95; Ord. No. O-02-145, 8-13-02)

Sec. 2-129.19. Membership of the audit division and selection.

The audit division shall be comprised of two (2) members of city council, the city manager and two (2) private sector members. The mayor shall select two members of city council to serve in the audit division for three (3) year terms. The members of the audit division shall annually select one of the council members to be the chair. The responsibility of the chair of the audit division will be to preside over its meetings. The two council members and the city manager shall select the two private sector members. The private sector members shall serve three (3) year terms and shall not serve more than three (3) consecutive full terms. (Ord. No. O-95-157, 6-13-95; Ord. No. O-98-218, 10-13-98; Ord. No. O-00-109, 5-23-00)

Secs. 2-130—2-140. Reserved.

ARTICLE V. DEPARTMENT OF HUMAN SERVICES*

DIVISION 1. GENERALLY

Secs. 2-141—2-151. Reserved.

*State law reference—Local boards of public welfare, Code of Virginia, § 63.1-38 et seq.

DIVISION 2. DIRECTOR

Sec. 2-152. Appointment, term.

Pursuant to the provisions of Section 63.1-38.1 of the Code of Virginia, 1950, as amended, the city manager shall appoint the director of human services whose term of office shall be at the pleasure of the city manager. (Code 1959, § 2-39)

Sec. 2-153. In charge of department.

The department of human services shall be under the control of the director of social services and shall be divided into such administrative units as the director, with the approval of the city manager, shall determine best for the efficient operation of the department. (Code 1959, § 2-40)

Sec. 2-154. Duties generally.

The director of human services shall, under the direction of the city manager, have control of the function of the department of human services, and shall recommend to the city manager for appointment of persons in charge of the various units of the department, whose respective terms of office shall be at the pleasure of the city manager, and shall act as the local board of public welfare. (Code 1959, § 2-41)

State law reference—Director to serve as local board of public welfare, Code of Virginia, § 63.1-59 et seq.

Secs. 2-155—2-160. Reserved.

DIVISION 3. SUPERINTENDENT

Sec. 2-161. Appointment; term; compensation.

The director of human services, with the approval of the city manager, shall appoint a superintendent of human services, whose term of office shall be at the pleasure of the city manager and whose compensation, on the recommendation of the director, shall be fixed as provided by law. (Code 1959, § 2-42)

State law reference—Public aid and assistance act, Code of Virginia, § 63.1-86 et seq.

Sec. 2-162. Duties generally.

The duties of the superintendent of human services shall be those duties imposed upon the superintendent of public welfare under the Virginia Public Aid and Assistance Law and such other duties as may from time to time be imposed upon him by the director of human services. (Code 1959, § 2-43)

Secs. 2-163—2-173. Reserved.

DIVISION 4. LYNCHBURG NURSING HOME

Editor's Note—Division 4 consisting of Sections 2-174 through 2-177 was repealed by Ord. No. O-95-155, 6-13-95, to become effective on June 1, 1995.

DIVISION 5. PARKS AND RECREATION

Sec. 2-178. Establishment.

There is hereby established the division of parks and recreation which shall be part of the department of human services and shall be under the general supervision of the director of human services. The parks and recreation division shall have general supervision, control and management of the city stadium and all city parks, park places, parkways and other places designated for public recreation. The parks and recreation division shall also have general charge of all playgrounds, parks, community centers and

swimming pools maintained by the city and all programs and activities conducted at such facilities and shall have the authority to enforce such rules and regulations adopted for the regulation thereof and shall have the general charge of such other recreational activities as may from time to time be authorized by the city. (Ord. No. O-95-155, 6-13-95, eff. 6-1-95)

Sec. 2-178.1. Personnel.

The director of human services shall appoint such staff members and employees as may be authorized from time to time to effectively carry out the work of the division of parks and recreation. (Ord. No. O-95-155, 6-13-95, eff. 6-1-95)

Secs. 2-179—2-188. Reserved.

ARTICLE VI. DEPARTMENT OF PUBLIC SAFETY*

Sec. 2-189. Composition.

The department of public safety, if established by council, shall be composed of the police and fire departments. (Code 1959, § 2-47)

Sec. 2-190. Authority of manager.

The city manager shall appoint the executive head of the department of public safety who shall administer the affairs of the department in such a manner as will ensure efficiency and economy, and will promote the public safety. (Code 1959, § 2-47)

Secs. 2-191—2-202. Reserved.

Editor's note—Article VII containing Secs. 2-203—2-213 pertaining to the office of management and budget was repealed by O-91-224, adopted 9-10-91 and became effective 10-1-91.

Secs. 2-214—2-224. Reserved.

**ARTICLE VIII. DEPARTMENT OF
PUBLIC WORKS^a**

DIVISION 1. GENERALLY

Sec. 2-225. Establishment.

There is hereby established a department of public works in and for the city. (Code 1959, § 2-51)

Sec. 2-226. Personnel.

The city manager shall appoint, on recommendation of the director of public works, such staff members and employees as may be authorized from time to time to carry out effectively the work of the department of public works. (Code 1959, § 2-51)

***Charter reference**—Department of public safety, § 39.

Cross references—Ambulances, Ch. 5; fire department, § 19-16; motor vehicles and traffic, Ch. 25; offenses, Ch. 27; police, Ch. 31.

^a**Cross references**—Air pollution, Ch. 4; aviation, Ch. 9; building regulations, Ch. 11; electricity, Ch. 15; public works reserve fund, § 18-130 et seq.; garbage and refuse, Ch. 21; traffic, Ch. 25; planning, Ch. 30; sewers, Ch. 34; water, Ch. 39; zoning, Ch. 35.1.

The department of human services shall be under the control of the director of social services and shall be divided into such administrative units as the director, with the approval of the city manager, shall determine best for the efficient operation of the department. (Code 1959, § 2-40)

Sec. 2-154. Duties generally.

The director of human services shall, under the direction of the city manager, have control of the function of the department of human services, and shall recommend to the city manager for appointment of persons in charge of the various units of the department, whose respective terms of office shall be at the pleasure of the city manager, and shall act as the local board of public welfare. (Code 1959, § 2-41)

State law reference—Director to serve as local board of public welfare, Code of Virginia, § 63.1-59 et seq.

Secs. 2-155—2-160. Reserved.

DIVISION 3. SUPERINTENDENT

Sec. 2-161. Appointment; term; compensation.

The director of human services, with the approval of the city manager, shall appoint a superintendent of human services, whose term of office shall be at the pleasure of the city manager and whose compensation, on the recommendation of the director, shall be fixed as provided by law. (Code 1959, § 2-42)

State law reference—Public aid and assistance act, Code of Virginia, § 63.1-86 et seq.

Sec. 2-162. Duties generally.

The duties of the superintendent of human services shall be those duties imposed upon the superintendent of public welfare under the Virginia Public Aid and Assistance Law and such other duties as may from time to time be imposed upon him by the director of human services. (Code 1959, § 2-43)

Secs. 2-163—2-173. Reserved.

DIVISION 4. LYNCHBURG NURSING HOME

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DIVISION 5. PARKS AND RECREATION

Sec. 2-178. Establishment.

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Sec. 2-178.1. Personnel.

The director of human services shall appoint such staff members and employees as may be authorized from time to time to effectively carry out the work of the division of parks and recreation. (Ord. No. O-95-155, 6-13-95, eff. 6-1-95)

Secs. 2-179—2-188. Reserved.

ARTICLE VI. DEPARTMENT OF PUBLIC SAFETY*

Sec. 2-189. Composition.

The department of public safety, if established by council, shall be composed of the police and fire departments. (Code 1959, § 2-47)

Sec. 2-190. Authority of manager.

The city manager shall appoint the executive head of the department of public safety who shall administer the affairs of the department in such a manner as will ensure efficiency and economy, and will promote the public safety. (Code 1959, § 2-47)

Secs. 2-191—2-202. Reserved.

Editor's note—Article VII containing Secs. 2-203—2-213 pertaining to the office of management and budget was repealed by O-91-224, adopted 9-10-91 and became effective 10-1-91.

Secs. 2-214—2-224. Reserved.

**ARTICLE VIII. DEPARTMENT OF
PUBLIC WORKS[‡]**

DIVISION 1. GENERALLY

Sec. 2-225. Establishment.

There is hereby established a department of public works in and for the city. (Code 1959, § 2-51)

Sec. 2-226. Personnel.

The city manager shall appoint, on recommendation of the director of public works, such staff members and employees as may be authorized from time to time to carry out effectively the work of the department of public works. (Code 1959, § 2-51)

***Charter reference**—Department of public safety, § 39.

Cross references—Ambulances, Ch. 5; fire department, § 19-16; motor vehicles and traffic, Ch. 25; offenses, Ch. 27; police, Ch. 31.

[‡]**Cross references**—Air pollution, Ch. 4; aviation, Ch. 9; building regulations, Ch. 11; electricity, Ch. 15; public works reserve fund, § 18-130 et seq.; garbage and refuse, Ch. 21; traffic, Ch. 25; planning, Ch. 30; sewers, Ch. 34; water, Ch. 39; zoning, Ch. 35.1.

Sec. 2-227. Composition.

The department of public works shall consist of the traffic engineering division, utilities division, the engineering division and the public services division. (Code 1959, § 2-53; Ord. No. O-81-106, § 1, 5-26-81)

Secs. 2-228—2-233. Reserved.

DIVISION 2. DIRECTOR

Sec. 2-234. Control.

The department of public works shall be under the control of a director. (Code 1959, § 2-51)

Sec. 2-235. Appointment, term.

The director of public works shall be appointed by the city manager, and whose term of office shall be at the pleasure of the city manager. (Code 1959, § 2-51)

Sec. 2-236. Duties.

The director of public works shall have direct charge of all engineering projects and construction work; and the functions of facilities maintenance; street maintenance, street cleaning, refuse collection and disposal, sewer maintenance, sewage disposal; evaluating operational traffic problems; and the functions of operating and maintaining the water system. (Code 1959, § 2-52; Ord. No. O-81-106, § 1, 5-26-81)

Secs. 2-237—2-247. Reserved.**ARTICLE IX. DEPARTMENT OF PARKS AND RECREATION**

Editor's Note—Ordinance No. O-95-155 repealed Sections relating to Parks and Recreation from an independent Department to a division of Human Services, 6-13-95, effective on 6-1-95.

Secs. 2-285—2-295. Reserved.**ARTICLE X. EMPLOYEE RESOURCES GROUP**

DIVISION 1. GENERALLY

Sec. 2-296. Established.

There is hereby established an employee resources group in and for the city. (Code 1959, § 2-66; Ord. No. O-81-106, § 1, 5-26-81; Ord. No. O-96-264, 9-26-96)

Sec. 2-297. Personnel.

The director of the employee resources group shall appoint such staff members and employees as may be authorized from time to time to carry out effectively the work of the employee resources group. (Code 1959, § 2-66; Ord. No. O-81-106, § 1, 5-26-81; Ord. No. O-96-264, 9-26-96)

Secs. 2-298—2-308. Reserved.

DIVISION 2. DIRECTOR

Sec. 2- 309. Control.

The employee resources group shall be under the control of a director. (Code 1959, § 2-66; Ord. No. O-81-106, § 1, 5-26-81; Ord. No. O-96-264, 9-26-96)

Sec. 2-310. Appointment, term.

The director of employee resources shall be appointed by the city manager and shall serve at the pleasure of the city manager. (Code 1959, § 2-66; Ord. No. O-81-106, § 1, 5-26-81; Ord. No. O-96-264, 9-26-96)

Sec. 2- 311. Qualifications.

The director of employee resources shall be chosen on the basis of his general executive and administrative ability and experience and of his education, training and experience in personnel management and public administration. (Code 1959, § 2-66; Ord. No. O-81-106, § 1, 5-26-81; Ord. No. O-96-264, 9-26-96)

Sec. 2- 312. Duties.

The director of employee resources shall have the responsibility for the formulation and administration of the personnel policy of the city and such other miscellaneous services relating to overall management as may be assigned to him by the city manager. (Code 1959, § 2-67; Ord. No. O-81-106, § 1, 5-26-81; Ord. No. O-96-264, 9-26-96)

Secs. 2- 313—2- 323. Reserved.**ARTICLE XI. DEPARTMENT OF FINANCE***

DIVISION 1. GENERALLY

Sec. 2- 324. Established.

There is hereby established a department of finance in and for the city. (Code 1959, § 2-80; Ord. No. O-81-106, § 1, 5-26-81)

Sec. 2- 325. Personnel.

The city manager shall appoint, on recommendation of the director of finance, such staff members and employees as may be authorized from time to time to carry out effectively the work of the department of finance. (Code 1959, § 2-80; Ord. No. O-81-106, § 1, 5-26-81)

Sec. 2- 326. Composition.

The department of finance shall consist of the division of collection, the division of accounting and the office of utilities accounting and customer service. The city collector under the direction of the director of finance shall be in charge of the division of collection. The division of accounting and the office of utilities accounting and customer service may be directed by the director of finance or an official within the department of finance. (Code 1959, § 2-81; Ord. of 4-13-76; Ord. No. O-81-106, § 1, 5-26-81)

Secs. 2-327—2-335. Reserved.

*Cross references—Dog licenses, § 7-46 et seq.; finance and taxation, Ch. 18; tax code, Ch. 36.

DIVISION 2. DIRECTOR*

Sec. 2- 336. Con trol.

The department of finance shall be under the control of a director. (Code 1959, § 2-80; Ord. No. O-81-106, § 1, 5-26-81)

Sec. 2- 337. Ap point ment, term.

The director of finance shall be appointed by the city manager and whose term of office shall be at the pleasure of the city manager. (Code 1959, § 2-80; Ord. No. O-81-106, § 1, 5-26-81)

Secs. 2- 338—2- 343. Re served.**ARTICLE XI.I. DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT****Sec. 2- 343.1. Es tab lished.**

There is hereby established a department of community planning and development in and for the city. (Code 1959, § 2-95; Ord. of 7-16-79)

Sec. 2- 343.2. Direc tor.

The department of community planning and development shall be under the charge of a director appointed by the city manager. (Code 1959, § 2-96; Ord. of 7-16-79)

Sec. 2- 343.3. Com po si tion.

The department of community planning and development shall consist of the divisions of planning, community development and inspections. (Code 1959, § 2-95; Ord. of 7-16-79; O-91-224, 9-10-91, eff. 10-1-91)

Sec. 2-343.4. Duties of director.

The director of community planning and development shall have direct charge of the administration of all city planning activities within the city; the enforcement of the electrical, building, plumbing, heating and gas appliance, zoning and air pollution control regulations and the issuance of permits and inspections; and community development activities. (Code 1959, § 2-96; Ord. of 7-16-79; O-91-224, 9-10-91, eff. 10-1-91)

Sec. 2- 343.5. Staff.

The city manager shall appoint, on recommendation of the director, such staff members and employees as may be authorized from time to time to carry out effectively the work of this department. (Code 1959, § 2-97; Ord. of 7-16-79)

Secs. 2- 344—2- 348. Re served.

*Cross reference—Finance and taxation, § 18-01 et seq.

ARTICLE XII. DISTRICT HEALTH DEPARTMENT***Sec. 2- 349. Creation.**

A district health department, created pursuant to section 32-40.2 of the Code of Virginia, 1950 as amended, with the boundaries of such district coinciding with the corporate limits of the city, shall be vested with all of the powers and duties relating to public health within the district and city, and shall administer and enforce all public health laws, including such ordinances of the city and provisions of the City Code which pertain or are related to public health. (Code 1959, § 2-68)

Sec. 2- 350. Director.

The district health department shall be under the immediate control of a director appointed by the state health commissioner with the approval of the city manager; and, whenever the phrases “health officer” or “director of public health and welfare” are used in this code, or in any other ordinance or resolution of the city, they shall henceforth be taken to mean “director of district health department,” except as to duties heretofore performed by the director of public health with respect to the administration of the Virginia Public Welfare and Assistance Act and the Lynchburg Nursing Home, the latter duties having been specifically assigned to the director of social services, and the duties relating to the bureau of weights and measures, which bureau has been specifically placed under the jurisdiction of the police division of the department of public safety.

The director of district health department may also hold the title of director of public health of the city upon authorization of the city manager. (Code 1959, § 2-68)

Sec. 2- 351. Operation.

The district health department shall be operated pursuant to the terms and provisions of a contract between the city and the Department of Health of the Commonwealth of Virginia and all laws applicable thereto. (Code 1959, § 2-69)

Secs. 2- 352—2- 362. Reserved.**ARTICLE XIII. COURTS AND JAIL[¤]****Sec. 2- 363. Use and control of court house.**

The courthouse is hereby dedicated to the use of such of the courts of the commonwealth as may hold their sessions in the city, and no part thereof shall be otherwise used, except by permission of the council. (Code 1959, § 2-64)

Sec. 2- 363.1. Court house maintenance fees.

Beginning on July 1, 1990, and continuing thereafter until changed by Council, there is hereby assessed pursuant to the provisions of Section 14.1-133.2 of the Code of Virginia, 1950, as amended, the sum of two dollars (\$2.00) as part of the fees taxed as costs in each criminal or traffic case in the circuit court, family court and the general district court of the City of Lynchburg, Virginia, said fees to be used for the

***Cross references**—Rabies control, § 7-95 et seq.; food and food products, Ch. 20; housing and hygiene, Ch. 22; nuisances, Ch. 26; sewers, Ch. 34; water, Ch. 39.

[¤]**Charter reference**—Courts generally, § 24 et seq.

Cross Reference—Bonds for officers of courts, § 2-81.

maintenance, repair, and renovation of the courthouse and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and other ordinary maintenance costs. The fees provided for herein shall be in addition to any other fees prescribed by law.

Fees hereby levied shall be collected by the clerks of the respective courts in which the criminal and traffic cases are heard, and shall be remitted to the city collector and be held by said collector for the purposes set-forth in this ordinance. (Ord. No. O-90-179, 6-12-90, eff. 7-1-90; Ord. No. O-90-271, 9-11-90)

Sec. 2-363.2. Courthouse security fees.

Beginning on July 1, 2002, and continuing thereafter until changed by city council, there is hereby assessed pursuant to the provisions of Section 53.1-120 of the Code of Virginia, 1950, as amended, the sum of five dollars (\$5.00) as part of the costs taxed in each criminal or traffic case in the circuit court, juvenile and domestic relations district court and the general district court of the City of Lynchburg, Virginia, in which the defendant is convicted of a violation of any statute or ordinance, said fees to be used for the provision of courthouse and courtroom security. The fees provided for herein shall be in addition to any other fees prescribed by law.

Fees hereby levied shall be collected by the clerks of the respective courts in which the criminal and traffic cases are heard, and shall be remitted to the city's billings and collections division and shall be held by the billings and collections division until appropriated by city council to the sheriff's office for the funding of courthouse and courtroom security. (Ord. No. O-02-110, 5-28-02)

Sec. 2-364. Use and control of jail.

The city jail shall be under the special charge of the city sheriff, and shall be used only as prescribed by the laws of the state, and for such purposes punishment as may be prescribed by council by ordinance. (Code 1959, § 2-65)

Sec. 2-364.1. Use and control of lockup.

Beginning on September 1, 1994, and continuing thereafter until changed by council, the city sheriff in addition to the other duties and responsibilities imposed upon him by general law, shall be responsible for the operation of the city's lockup facilities, receiving unit and court holding facilities. (Ord. No. O-94-191, 8-9-94)

